



# WORKMAN | NYDEGGER

1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Phone: (801) 533-9800  
Fax: (801) 328-1707

## FAX TRANSMISSION COVER SHEET

**Date:** August 17, 2005  
**To:** United States Patent & Trademark Office  
ISSUE FEE  
Examiner Dung T. Nguyen  
**Fax:** 703-746-4000  
**Phone:**  
**From:** Mandy Lomeli for Eric L. Maschoff  
**Our File:** 15436.436.5  
Application Serial No.: 10/026,020

---

YOU SHOULD RECEIVE 6 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 801-533-9800

---

**Comments:**

Please see attached.

---

**PRIVILEGED AND CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

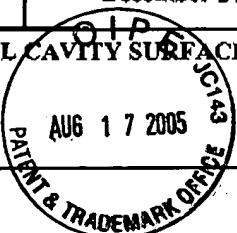
Applicant(s): Ralph H. Johnson

Docket No.

15436,436,5

Application No.  
10/026,020Filing Date  
December 27, 2001Examiner  
Dung T. NguyenGroup Art Unit  
2828

Invention: VERTICAL CAVITY SURFACE EMITTING LASER INCLUDING INDIUM AND ANTIMONY IN THE



I hereby certify that this See below\*  
 (Identify type of correspondence)

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-746-4000)

on August 17, 2005  
 (Date)

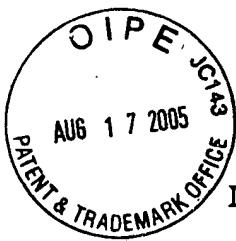
Mandy Lomeli

(Typed or Printed Name of Person Signing Certificate)

(Signature)

Note: Each paper must have its own certificate of mailing.

- Issue Fee Transmittal Letter (1 pg.)
- PTOL-85B Fee Transmittal (1 pg.)
- Comments on Examiner's Statement of Reasons for Allowance (1 pg.)
- PTO-2038 Credit Card Form in amount of \$1,703.00 (1 pg.)
- Certificate of Transmission by Facsimile (1 pg.)



PATENT APPLICATION  
Docket No: 15436.436.5

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Ralph H. Johnson )  
Serial No: 10/026,020 ) Art Unit  
Filed: December 27, 2001 ) 2828  
For: VERTICAL CAVITY SURFACE EMITTING LASER )  
INCLUDING INDIUM AND ANTIMONY IN THE )  
ACTIVE REGION )  
Examiner: Dung T. Nguyen )

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

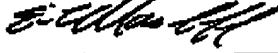
Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communications mailed on May 17, 2005. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Respectfully submitted,

Dated: August 17, 2005

By: 

ERIC L. MASCHOFF  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913

ELM:mrl  
W:\15436\436.5\ML0000002104V001.DOC